

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Kenneth W. Abbott, *et al.*,

Plaintiffs,

versus

BP Exploration and Production Inc., *et al.*,

Defendants.

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Civil Action H-09-cv-01193

Jury Demanded

ABBOTT AND FWW STATUS REPORT

Plaintiffs United States of America *ex rel.* Kenneth W. Abbott, Kenneth W. Abbott, individually, and Food & Water Watch, Inc., submit this Status Report in response to the Court's March 25, 2013 Order, Doc. 420.

Kenneth Abbott filed his original complaint against BP for violations of the False Claims Act in April 2009, approximately one year before the explosion on the Deepwater Horizon; Abbott's allegations pertain to a different BP facility—the Atlantis.

1. Ready for Trial

Subject to the Court's ruling on pending dispositive motions, Abbott and FWW are ready for trial and estimate that presentation of plaintiffs' direct case on all claims would require four days. This estimate does not include time required for pre-trial arguments on objections to evidence, *Daubert* motions, or similar procedural or evidentiary disputes. The parties need four weeks before trial begins to (1) notify, subpoena, and schedule trial witnesses; (2) confer with BP regarding required pre-trial materials; and (3) exchange witness lists, exhibit lists, and exhibits.

2. Settlement Efforts

Abbott and FWW sent a settlement demand to BP on January 5, 2012. BP has never responded. Also in January 2012, the United States Department of Justice offered

to broker a settlement between the parties. We agreed to participate but understand that BP declined.

Date: April 3, 2013

Respectfully submitted,

By: /s/ Mikal C. Watts
Mikal C. Watts
State Bar No. 20981820
Federal Bar No. 12419
Four Dominion Drive,
Bldg. 3, Suite 100
San Antonio, Texas 78257
Telephone: (210) 447-0500
Facsimile: (210) 447-0501
MCWatts@wattsguerra.com

**ATTORNEY-IN-CHARGE FOR
PLAINTIFFS**

OF COUNSEL:

WATTS GUERRA LLP

Christopher V. Goodpastor
State Bar No. 00791991
Federal Bar No. 18505
CGoodpastor@wattsguerra.com
Francisco Guerra IV
State Bar No. 00797784
Federal Bar No. 22568
fguerra@wattsguerra.com
Edward W. Allred
State Bar No. 50511764
Federal Bar No. 22973
eallred@wattsguerra.com
Emily C. Jeffcott
State Bar No. 24069993
Federal Bar No. 1069933
EJeffcott@wattsguerra.com
811 Barton Springs Road
Suite 725
Austin, Texas 78704
Telephone: (512) 381-1964
Facsimile: (512) 479-0502

MALLET SAPER BERG, LLP

Edward A. Mallett
State Bar No. 1283000
Federal Bar No. 442
Edward@mgscounsel.com
JPMorgan Chase Tower
600 Travis St., Suite 1900
Houston, Texas 77002
Telephone: (713) 236-1900
Facsimile: (713) 228-0321

PERRY & HAAS

David L. Perry
State Bar No. 15800000
Federal Bar No. 5685
dlperry-business@perryhaas.com
René Haas
State Bar No. 21406800
Federal Bar No. 5680
RHaas@perryhaas.com
P.O. Box 1500
Corpus Christi, Texas 78403
Telephone: (361) 880-7500
Facsimile: (361) 887-9507

LAW OFFICE OF MARY M. WHITTLE

Mary M. Whittle
DC Bar No. 973916
TX State Bar No. 24033336
PA Bar No. 313316
mw@marywhittlelaw.com
P.O. Box 892
Chadds Ford, PA 19317
Telephone: (610) 285-7499

HOGAN & HOGAN

Richard P. Hogan, Jr.
State Bar No. 09802010
Federal Bar No. 8026
rhogan@hoganfirm.com
Jennifer Bruch Hogan
State Bar No. 03239100
Federal Bar No. 7187
jhogan@hoganfirm.com
909 Fannin, Suite 2700
Houston, Texas 77010
Telephone: (713) 222-8800
Facsimile: (713) 222-8810

CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of April 2013, a true and correct copy of the foregoing document was filed with the Court's ECF system and was served via electronic means through transmission facilities from the Court upon those parties authorized to participate and access the Electronic Filing System for the Southern District of Texas.

/s/ Mikal C. Watts
Mikal C. Watts